

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-2 Erie
)
KEITH ALLEN PROCTOR)

**MOTION TO EXTEND THE TIME FOR THE
FILING OF PRETRIAL MOTIONS AND TO CONTINUE TRIAL**

AND NOW, comes the defendant, KEITH ALLEN PROCTOR, by his attorney, Thomas W. Patton, Assistant Federal Public Defender, and respectfully moves this Honorable Court for an Extension of Time to File Pretrial Motions and to Continue Trial, and in support thereof sets forth as follows:

1. The defendant, Keith Allen Proctor, has been charged in a three-count indictment with violations of Title 18, U.S.C. §§ 2252(a)(1), 2252(a)(2) and 2252(a)(4)(B); transportation of, receipt of, and possession of material depicting the sexual exploitation of a minor and receipt of obscene material.

2. Pursuant to an Order of Court dated July 28, 2005, certain types of pretrial motions are due on October 26, 2005. The case is currently listed for trial during the term beginning November 28, 2005.

3. Additional time is needed to complete counsel's investigation of the facts and law before informed decisions can be made concerning the filing of pretrial motions. Specifically, the expert for defense must coordinate his schedule with the FBI to view the computer hard drive.

5. Counsel is unable to adequately prepare pretrial motions until the expert has had an opportunity to examine the hard drive and issue his findings.

6. Furthermore, defense counsel is unable to prepare for trial until the expert has had an opportunity to examine the hard drive and submit his report.

7. Accordingly, counsel requests an additional ninety (90) within which to file pretrial motions.

WHEREFORE, defendant, Keith Allen Proctor, respectfully requests an extension of ninety (90) days to file pretrial motions and that trial of the case be continued until the term of court beginning March 13, 2006.

Respectfully submitted,

/s/ Thomas W. Patton
Thomas W. Patton
Assistant Federal Public Defender
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